

Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT  
WESTERN WASHINGTON  
AT TACOMA**

BRANDON THOMAS ROBERTS,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND, a political  
subdivision of the State of Washington,  
MATTHEW HAMNER, Chief of the Bainbridge  
Island Police Department, in his personal  
capacity; DALE JOHNSON in his personal  
capacity; WELLPATH, LLC, a Delaware  
Limited Liability Company and f.k.a. CORRECT  
CARE SOLUTIONS, LLC a Delaware Limited  
Liability Company; KITSAP COUNTY, a  
Washington State municipality, MARK  
RUFENER, in his personal capacity; JOHN  
GESE, in his personal capacity; GARY  
SIMPSON, in his personal capacity; JOHN AND  
JANE DOES 1-30, in their personal capacities,

Defendants.

**Case No. 3:21-cv-05165-TSZ**

**AMENDED COMPLAINT**

**NATURE OF ACTION**

Dale Johnson, a law enforcement officer employed by the City of Bainbridge Island, Washington, unlawfully assaulted Brandon Roberts with a firearm in violation of Mr. Roberts' civil rights. After being shot several times Mr. Roberts was taken to the hospital. After he was discharged from the hospital he was incarcerated in the care of Kitsap County and the Kitsap

County Sheriff's Department. While incarcerated he was intentionally and negligently, given substandard medical care for his gunshot wounds. Wellpath, LLC provided the care in the Kitsap County Jail. Both the City and County's policies, procedures and negligence caused Mr. Roberts damages.

## **I. JURISDICTION AND VENUE**

1.1 This is an action for violation of the violation of Mr. Roberts federal civil rights under the laws of the United States, 42 U.S.C. § 1983 et seq. This Court has original jurisdiction over this action under 28 U.S.C. §1331, and under the principles of supplemental jurisdiction pursuant to 28 U.S.C. § 1367. This action was initially filed in Washington state court but was removed by the Defendants.

1.2 This Court has personal jurisdiction over Defendants because they are residents of the State of Washington.

1.3 Venue is proper in this judicial district under 28 U.S.C. §§ 1391, 1391(b)(1), and 1391(c)(1), as Defendants are residents of this judicial district and are subject to this Court's personal jurisdiction.

## **II. PARTIES**

2.1 Plaintiff BRANDON THOMAS ROBERTS is an adult resident of Pierce County.

2.2 Defendant CITY OF BAINBRIDGE ISLAND is a political subdivision of the State of Washington. City of Bainbridge Island has various departments, including but not limited to the Bainbridge Island Police Department ("BIDP"), which is responsible for providing law enforcement services within City of Bainbridge Island.

2.3 Defendant MATTHEW HAMNER, was the chief of BIPD, who at all times relevant hereto, was acting under color of law. In this role as Chief, Defendant Hamner was

1 responsible for the supervisory decisions as they relate to Defendant Officer Dale Johnson.  
2 Defendant Hamner's acts and omissions were, at all times alleged, affirmatively linked to the  
3 behavior of Defendant Officer Dale Johnson, in the sense that he encouraged, condoned, and/or  
4 acquiesced in their acts, omissions and established practices.

5 2.4 Defendant DALE JOHNSON was a BIPD Officer who, at all times relevant hereto,  
6 was acting within the scope of his employment, and under color of law.

7 2.5 Defendant WELLPATH, LLC, a Delaware Limited Liability Company and f.k.a.  
8 CORRECT CARE SOLUTIONS, LLC ("CCS") is a Delaware limited liability company with  
9 corporate headquarters in Tennessee. Defendant Kitsap County contracted with CCS to provide  
10 medical services to detainees and inmates at the Kitsap County Jail while Mr. Roberts was detained  
11 in the jail.

12 2.6 Defendants JOHN AND JANE DOES 1-15 are yet-identified CCS employees  
13 responsible for policymaking regarding and/or administrating the provisions of healthcare to Mr.  
14 Roberts.

15 2.7 At all material times, each CCS Defendant, including Defendants Doe 1-15, acted  
16 under color of state law and were state actors.

17 2.8 Defendant KITSAP COUNTY is a political subdivision of the State of Washington.  
18 Kitsap County has various departments including but not limited to the Kitsap County Sheriff's  
19 Office, which operates the Kitsap County Jail ("Jail"). Kitsap County is, and was at all times  
20 mentioned herein, responsible for the actions or inactions, and the policies, procedures, and  
21 practices/customs of all health services provided to detainees in the Jail.

22 2.9 Defendant MARK RUFENER was Kitsap County's Corrections Chief. Defendant  
23 Rufener was an administrator who supervised the Jail at the time of Mr. Roberts was detained in  
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1 the Jail and was responsible for ensuring the presence and implementation of proper policies,  
2 procedures, and training. Defendant Rufener was responsible for the training, supervision and  
3 discipline of the Jail employees and/or agents, including his co-Defendants, CCS, and Defendant  
4 Does 1 through 30.

5 2.10 Defendant JOHN GESE is the Kitsap County Undersheriff. Defendant Gese is  
6 an administrator who supervised the Jail at the time of Mr. Roberts was detained and  
7 responsible for ensuring the presence and implementation of proper policies, procedures, and  
8 training. Defendant Gese was responsible for the training, supervision and discipline of Jail  
9 employees and/or agents, including his co-Defendants, CCS, and Defendant Does 1-30.

10 2.11 Defendant GARY SIMPSON is the Kitsap County Sheriff. Defendant Simpson is  
11 the administrator who supervised the Jail at the time Mr. Roberts was detained at the Jail.  
12 Defendant Gese was responsible for the training, supervision and discipline of Jail employees  
13 and/or agents, including his co-Defendants, CCS, and Defendant Does 1-30.

14 2.12 Defendants Simpson, Gese, and Rufener shall hereafter be referred to collectively  
15 as "Kitsap Policymaking Defendants." At all material times, each Kitsap Policymaking  
16 Defendants acted under color of law and were state actors.

17 2.13 Defendants JOHN AND JANE DOES 16-30 are yet-identified Kitsap County  
18 employees responsible for policymaking regarding and/or administrating the provisions of  
19 healthcare to Mr. Roberts.

20 2.14 Defendants Kitsap County, Simpson, Gese, Rufener, and Defendant Does 16-30  
21 shall be referred to collectively as "County Defendants." At all material times, each County  
22 Defendant acted under color of the laws, statutes, ordinances, and regulations of the State of  
23 Washington and was a state actor.  
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### III. FACTS GIVING RISE TO CLAIM

1  
2 3.1 On February 7, 2018, Law enforcement officers and medical first responders  
3 responded to the parking lot of Ordway Elementary in Bainbridge Island, Washington after  
4 receiving reports of an unconscious woman. The woman was Mr. Roberts' friend, and when first  
5 responders arrived, Mr. Roberts was beside her giving her CPR. Mr. Roberts told the first  
6 responders that she had overdosed on heroin. Some first responders on the scene told Mr. Roberts  
7 to leave because his car, a Ford Mustang, was in the way and he was hovering around worried  
8 about his friend. Mr. Roberts left driving his Ford Mustang.

9 3.2 Despite Mr. Roberts being free to leave, Defendant Johnson pursued Mr. Roberts  
10 in his patrol car after he drove away. Later, law enforcement witnesses claimed Mr. Roberts was  
11 ordered to stay and struck an officer in the knee as he left.

12 3.3 Defendant Johnson eventually struck the driver's side door of Mr. Roberts' vehicle  
13 when he reached a dead end making it impossible for Mr. Roberts to exit through the driver's side  
14 door of his vehicle.

15 3.4 Law enforcement officers, including Defendant Johnson surrounded Mr. Roberts'  
16 vehicle and ordered him to exit. Mr. Roberts initially refused to exit, and made unflattering  
17 comments to Defendant Johnson.

18 3.5 Mr. Roberts eventually began maneuvering to exit through the front passenger door  
19 as the driver's side door was blocked by Defendant Johnson's patrol car. Mr. Roberts is 6' 2" and  
20 weighs approximately 240 pounds so him exiting past the center console through the passenger  
21 side door was an awkward maneuver in a Ford Mustang.  
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1           3.6     As Mr. Robert's was preparing to exit, Defendant Johnson moved from his position  
2 on the driver's side of the vehicle where Mr. Roberts was calling him names, to the passenger side  
3 and shot Mr. Roberts in the chest and hand without just cause.

4           3.7     Defendant Johnson later alleged that while Mr. Roberts was inside the vehicle he  
5 lunged across the interior of the vehicle with a knife and was a threat to the officers outside the  
6 vehicle.

7           3.8     No other law enforcement officers near the vehicle discharged their weapons.

8           3.9     Numerous bystanders saw Defendant Johnson shoot Mr. Roberts and recorded the  
9 shooting on video. No video shows Mr. Roberts lunging at anyone with a knife and evidence later  
10 showed that one of Defendant Johnson's bullets went through Mr. Roberts' hand while it was on  
11 the steering wheel.

12          3.10    Defendant Johnson was wearing a department issued body camera but did not  
13 activate his body camera until after he shot Mr. Roberts.

14          3.11    Mr. Roberts was the second person Defendant Johnson shot while on duty in less  
15 than a year. Defendant Johnson was one of several officers who shot and killed Robert D. Yeiser  
16 on July 9, 2017.

17          3.12    BIPD has a policy, custom and established practice of condoning and encouraging  
18 the type of shoot first ask questions later mentality deployed by Defendant Johnson.

19          3.13    In 2012 a federal jury found Bainbridge Island and its Police Chief liable and  
20 awarded the family of Doug Ostling \$1,000,000.00 after he was shot by BIPD officers who were  
21 coworkers with Defendant Johnson.  
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1           3.14    BIPD also has a policy, custom, and established practice of failing to supervise and  
2 train its officers to use deadly force as a last resort, as required by generally accepted police  
3 practices.

4           3.15    Defendant Johnson was not disciplined, reprimanded, or provided additional  
5 training for his reckless and negligent acts and omissions. Instead, he was praised for bravery by  
6 his supervisors including Defendant Hamner and given a medal.

7           3.16    Each of these policies, customs, and established practices, described above and in  
8 other respects as well, were a direct, proximate cause of Mr. Roberts' injuries.

9           3.17    After he was shot, Mr. Roberts was transported to Harborview Medical Center in  
10 Seattle, WA for medical care for the gunshot wounds.

11          3.18    Bainbridge Island police officers were assigned to guard Mr. Roberts at the hospital  
12 until he was discharged pending investigation of Defendant Johnson's allegations.

13          3.19    The day after he was shot, Mr. Roberts was transported by Bainbridge Island police  
14 officers from Harborview Medical Center to the Kitsap County Jail. Corrections staff were aware  
15 he had sustained gunshot wounds to his chest and hand.

16          3.20    Bainbridge Island Police Officer Bob Day met with the medical staff at the jail and  
17 gave them the discharge paperwork from Harborview Medical Center. The medical staff at  
18 Harborview had given explicit instructions for how to care for Mr. Roberts' injuries.

19          3.21    Harborview's instructions included pain medication oxycodone, and twice daily  
20 chest wound packing with lidocaine jelly.

21          3.22    On February 9, 2018, Mr. Roberts was charged by the Kitsap County Prosecuting  
22 Attorney's Office under Kitsap County Superior Court Cause No. 18-1-00233-18 with one count  
23 of Assault in the First Degree against "Bainbridge Police Department Officer John Doe".  
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1           3.23   Mr. Roberts was scheduled to appear in court on February 9, 2018 for arraignment  
2 but was unable to appear because he was bleeding and had not had his bandages changed.

3           3.24   Mr. Roberts was interviewed for the preparation of a bail study on February 9, 2018  
4 and noted he was supposed to “have the gauze changed and it has not been done.”

5           3.25   On February 13, 2018, Mr. Roberts was arraigned, entered a plea of not guilty and  
6 held on \$1,000,000 bail. Mr. Roberts was unable to post bail and remained in custody pending  
7 trial.

8           3.26   In the following weeks while awaiting trial and recovering from his injuries, the  
9 jail medical staff mocked and laughed at Mr. Roberts’ pleas for pain relief medication, denied his  
10 pleas for pain medication, forced him to sleep on the floor exacerbating the pain from the wounds,  
11 did not follow the discharge instructions from Harborview, frequently delayed changing his  
12 bandages resulting in him having to ball up available clothing to stop the bleeding from the gunshot  
13 wound to his chest, and failed to use the lidocaine jelly as recommended by Harborview for pain.

14           3.27   On April 2, 2017, the Seattle Times published an article about the numerous  
15 lawsuits against CCS/Conmed and how Pierce County had quit paying them, ended their contract  
16 of jail medical services and found another provider. CCS sued Pierce County for breach of  
17 contract.

18           3.28   A Pierce County deputy prosecutor noted Pierce County’s one year with CCS as  
19 the jail medical provider resulted in 11 legal claims and 4 lawsuits and stated in a letter to CCS  
20 that it was “incompetent, unprofessional and morally reprehensible.” The article goes on to  
21 mention that Pierce County was not alone in their problems with CCS and named Kitsap, Clark  
22 and Cowlitz as other counties facing lawsuits alleging inmates received poor or questionable care.  
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1           3.29   On November 7, 2017, Sheriff Gary Simpson wrote a six-page letter to CCS  
2 regarding their contract deficiencies. Deficiencies included failure to conduct inmate histories and  
3 physicals within 14 days with a backlog of 300 inmates, that CCS has been unable to provide “fully  
4 qualified professional healthcare employee staff to deliver correctional health care services,” and  
5 that CCS was not providing information on medical treatment to the Chief of Corrections as  
6 required in the contract.

7           3.30   Brandon Roberts received inadequate medical treatment in the jail beginning in  
8 February 2018.

9           3.31   Corrections staff, not CCS medical staff, is responsible for transporting inmates  
10 from the Jail to court.

11           3.32   Roberts could not be transported to court for his initial appearance because his  
12 bandage had not been changed and he was covered in blood. Corrections staff was aware Robert’s  
13 wounds were not being treated by CCS. Roberts was made to sleep on the floor without pain  
14 medication and when his bandage was finally changed it was without lidocaine jelly as  
15 recommended by Harborview Medical Center.

16           3.33   On September 11, 2018, the Kitsap Daily News published an article regarding the  
17 expiration of Kitsap County’s contact with CCS wherein Sheriff Gary Simpson states, “We are  
18 totally responsible for the welfare of these people when they are in our custody.” Simpson also  
19 commented on his request that the County Commissioners fund a new position for an auditor to  
20 oversee the activities of the medical provider. Simpson stated, “It’s something I’m begging to  
21 have happen.” “We need to have someone that’s going to be auditing the practices of the provider  
22 on behalf of the sheriff’s office and the county, so we know that what they’re doing is what we  
23 want them to be doing.”  
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1           3.34   KCSO and Defendants Gary Simpson, Mark Rufener, and John Gese were aware  
2   CCS was an inadequate health care provider.

3           3.35   KCSO, Simpson, Rufener and Gese were responsible for the care of Mr. Roberts  
4   but chose to not properly care for him while in their custody.

5           3.36   But instead of terminating the contract to protect the health and well-being of those  
6   placed in their care and facing potential liability on breach of contract like Pierce County, Simpson,  
7   Rufener and Gese decided to wait it out. Knowing CCS was providing inadequate care for those  
8   in their custody, the Kitsap County defendants failed to supervise the contract, and jail staff, to  
9   ensure that Roberts received care during this period. They knew he was not receiving adequate  
10   medical care and were indifferent.

11           3.37   On March 11, 2019, the Information was amended and included the charges of  
12   Assault in the First Degree on Officer Johnson, one charge of Assault in the First Degree on Kitsap  
13   County Sheriff's Deputy David R. Corn (another officer near Mr. Robert's vehicle), one charge of  
14   Possession of a Controlled Substance, and one charge of Attempting to Elude a Police Vehicle and  
15   proceeded to jury trial.

16           3.38   On March 28, 2019, Mr. Roberts was found not guilty of the count of Assault in  
17   the First Degree on Officer Johnson, guilty of Possession of a Controlled Substance and  
18   Attempting to Elude a Police Vehicle, and the jury did not reach a unanimous decision as to the  
19   remaining Assault in the First Degree on Officer Corn.

20           3.39   The Court released Mr. Roberts after the verdict with no bail required.

21           3.40   On December 6, 2019, Mr. Roberts plead guilty to one count of Assault in the  
22   Fourth Degree and one count of Unlawful Carrying or Handling of a Weapon to avoid being retried  
23   on the remaining count of Assault in the First Degree on Officer Corn.  
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1           3.41 Mr. Roberts continues to experience the mental and physical effects of his injuries  
2 related to Officer Johnson shooting him, and the hostility and indifference shown to him by  
3 medical staff in the Jail.

4           3.42 He is undergoing treatment for anxiety and post-traumatic stress disorder which  
5 have been exacerbated by the Defendants.

6           3.43 He continues to experience reduced sensation and numbness in the fingers of his  
7 injured hand.

#### 8                                   IV. FIRST CAUSE OF ACTION

##### 9                                   42 U.S.C. § 1983 – Excessive Force and Brutality

10           4.1 By virtue of the facts set forth above, Defendants City of Bainbridge Island,  
11 Hamner, and Johnson are liable for deprivation of Mr. Robert's civil rights guaranteed by the  
12 Fourth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, to be free from  
13 the use of excessive force and physical brutality.

14           4.2 By virtue of the facts set forth above, Defendant City of Bainbridge Island and  
15 Defendant Hamner are liable under *Monell v. Department of Social Services of City of New York*,  
16 436 U.S. 658 (1978), in that a policy or custom can be inferred from a showing of ratification of  
17 an unconstitutional act and BIPD's policies, customs, and established practices.

#### 18                                   V. SECOND CAUSE OF ACTION

##### 19                                   42 U.S.C. § 1983 – Deliberate Indifference

20           5.1 By virtue of the facts set forth above, Defendants CCS, Kitsap County, Ruefner,  
21 Gese, Simpson, and Defendant Does 1-30, acting under the color of state law in their individual  
22 capacities, deprived Mr. Roberts as a pretrial detainee of the rights, privileges and immunities  
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1 secured by the Fourteenth Amendment by subjecting him, or through their deliberate  
2 indifference, allowing others to subject him, to delay and denial of access to medical care for a  
3 serious medical condition.

4 5.2 By virtue of the facts set forth above, Kitsap County and its Policymaking  
5 Defendants, and CCS each permitted and failed to prevent the unconstitutional acts of other  
6 Defendants and individuals under their supervision and control, and failed to properly supervise  
7 such individuals, with deliberate indifference to the rights and serious medical needs of Mr.  
8 Roberts.

9 5.3 These Defendants knew that Mr. Roberts' gunshot wounds were serious injuries  
10 that were painful and required medical treatment. Defendants further knew that they had a duty to  
11 provide Mr. Roberts medical care, including pain relief; and Defendants intentionally delayed, or  
12 denied Mr. Roberts' urgently needed medical treatment.

13 5.4 As a result of Defendants' deliberate indifference to Mr. Roberts' need for medical  
14 treatment, Mr. Roberts suffered damages and deprivation of constitutional rights, as described  
15 herein.

16 5.5 By the actions and omissions described above, these Defendants violated 42 U.S.C.  
17 § 1983, depriving Mr. Roberts of the right to be free from deliberate indifference to Mr. Roberts'  
18 serious medical needs while in custody and confined in jail as a pretrial detainee, as secured by the  
19 Fourteenth Amendment.

20 5.6 As a proximate result of the foregoing wrongful acts and/or omissions, Mr. Roberts  
21 sustained injuries and damages as set forth above. Mr. Roberts is therefore entitled to general and  
22 compensatory damages in an amount to be proven at trial.  
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1           5.7     In committing the acts alleged above, these Defendants acted maliciously and/or  
2 were guilty of a wanton and reckless disregard for the rights, safety, and emotional wellbeing of  
3 Mr. Roberts and by reason thereof, Mr. Roberts is entitled to punitive damages and penalties  
4 allowable under 42 U.S.C. § 1983 and other state and federal law against these Defendants.

5           5.8     By virtue of the facts set forth above, as supervisors Defendant Kitsap County  
6 and its Policymaking Defendants, and CCS each permitted and failed to prevent the  
7 unconstitutional acts of other Defendants and individuals under their supervision and control,  
8 and failed to properly supervise such individuals with deliberate indifference to the rights and  
9 medical needs of Mr. Roberts and are liable under *Monell v. Department of Social Services of*  
10 *City of New York*, 436 U.S. 658 (1978), in that a policy or custom can be inferred from a showing  
11 of ratification of an unconstitutional act and their policies, customs, and established practices.

## 12                               VI.     THIRD CAUSE OF ACTION

### 13                               Negligence, Gross Negligence, and Negligence *Per Se*

14           6.1     At all material times, Defendants CCS and Defendant Does 1-15 owed Mr. Roberts  
15 the duty to act with due care in the execution and/or enforcement of any right, law, or legal  
16 obligation.

17           6.2     At all material times, Defendants CCS and Does 1-15 owed Mr. Roberts the duty  
18 to act with due care in the execution and/or enforcement of any right, law, or legal obligation.  
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**VII. FOURTH CAUSE OF ACTION**  
**Negligent Infliction of Emotional Distress**

7.1 The negligence and deliberate indifference of Defendants CCS and Defendant Does 1-15, as described above caused Mr. Roberts emotional distress, and as a direct and proximate result, Mr. Roberts suffered damages, and continues to incur damages in an amount to be established at trial.

**VIII. FIFTH CAUSE OF ACTION**  
**Negligence**

8.1 At all material times, Bainbridge Island Defendants owed Mr. Roberts the duty to act with due care in the execution and/or enforcement of any right, law, or legal obligation. This duty includes an obligation to act in a careful, lawful and prudent manner and in full compliance with applicable law.

8.2 Defendants BIPD and Hamner had a duty of care to properly train officers to handle arrests without using excessive force and brutality and, as officers to carry out arrests without using excessive force and brutality.

8.3 By virtue of the facts set out above, the Bainbridge Island Defendants breached their duty to act as reasonable law enforcement officers by failing, neglecting, and/or refusing to properly and fully discharge their responsibilities.

8.4 Defendants BIPD and Hamner were responsible for training and supervising the individually named Defendant Johnson and possessed a duty to adequately train and supervise Johnson. Defendants acted negligently by failing to adequately and properly train and supervise Johnson with respect to the discharge of his responsibilities and duties.



1           8.5     As a proximate cause of Defendants' breach of their duty to act as reasonable law  
2 enforcement officers, and to train and supervise Johnson, Plaintiff has suffered harm, entitling  
3 Plaintiff to damages in an amount to be proven at trial, including, but not limited to, pain, suffering,  
4 emotional distress, anxiety, and humiliation, all of which have resulted in general damages for pain  
5 and suffering in an amount to be proven at trial.

6           8.6     At all material times, County Defendants owed Mr. Roberts the duty to act with  
7 due care in the execution and/or enforcement of any right, law, or legal obligation.

8           8.7     These general duties of reasonable care owed to Mr. Roberts by County Defendants  
9 include, but are not limited to, the following specific obligations:

- 10           a.     To provide safe and appropriate jail custody for Mr. Roberts, including  
11 reasonable classification, monitoring, and housing, including placing him in  
12 physically appropriate housing taking into consideration his medical needs.
- 13           c.     To execute the recommendations of health professionals regarding Mr.  
14 Roberts care.
- 15           d.     To provide and/or summon necessary and appropriate medical care for Mr.  
16 Roberts.
- 17           e.     Appropriately train, supervise, and discipline employees and agents.

18           8.8     As a result of the County Defendants' negligence Mr. Roberts has suffered pain,  
19 emotional distress, anxiety, and humiliation, all of which have resulted in general damages for pain  
20 and suffering in an amount to be proven at trial.  
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**IX. DISCOVERY AND LIMITED PHYSICIAN/PATIENT WAIVER**

9.1. Plaintiffs waives the physician patient privilege ONLY to the extent required by RCW 5.60.060, as limited by the Plaintiff's constitutional rights of privacy, contractual rights of privacy and the ethical obligation of physicians and attorneys not to engage in *ex-parte* contact between a treating physician and the patient's legal adversaries.

**X. JURY DEMAND**

10.1 Plaintiff hereby demands a jury trial.

**XI. AMENDMENTS**

11.1 Plaintiff hereby reserves the right to amend this Complaint.

**XII. PRAYER FOR RELIEF**

12.1 Adjudge and declare that the actions, customs, and policies, and practices of Defendants described in this Complaint violated Mr. Robert's rights under the federal and state constitutions and award Mr. Roberts economic and noneconomic damages pursuant to 42 U.S.C. §§ 1983 and 1988, in an amount to be determined at trial;

12.2 Punitive damages under 42 U.S.C. § 1983, federal law and Washington law, in an amount according to proof and which is fair, just, and reasonable;

12.3 All other damages, penalties, costs, interest, and attorneys' fees as allowed by 42 U.S.C. §§ 1983 and 1988; and as otherwise may be allowed by Washington and/or federal law.

12.4 That Plaintiff be awarded general and special damages against Defendants in an amount to be proven at trial for negligence, gross negligence, negligence *per se*, and negligent

1 infliction of emotional distress as allowed by law including but not limited to past and future  
2 medical expenses and other health care expenses; past and future loss of earnings; permanent  
3 partial impairment of earnings and earning capacity; pain and suffering, both mental and physical;  
4 past and future permanent partial disability; loss of enjoyment of life and for reduction of life  
5 expectancy; past and future special damages; and interest calculated at the maximum amount  
6 allowable by law, including prejudgment interest.

7 12.5 For such other and further relief as the Court deems just and equitable.

8 **DATED** this 18 day of May 2021.

9 KITSAP LAW GROUP

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12 \_\_\_\_\_  
Kylie J. Finnell, WSBA #34997  
Kitsap Law Group  
3212 NW Byron Street, Suite 101  
Silverdale, WA 98383  
Phone: 360-692-6415  
Email: [kylie@kitsaplawgroup.com](mailto:kylie@kitsaplawgroup.com)